

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

since 1894

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Alessandro Meccia, chair

Ralph Page, vice-chair

Tyde Richards, clerk

George Kingston

Michael Carabetta

robyn d. macdonald, director

rmacdonald@eastlongmeadowma.gov

Minutes of May 5, 2015

Present were: Chair, Alessandro Meccia; Vice Chair, Ralph Page; Clerk, Tyde Richards, George Kingston and Michael Carabetta.

Waivers Approved

RCR All Service, 305 North Main Street - Home Office

East Longmeadow High School grand opening for Tennis Courts

ANR – 244 Hampden Road

The Board reviewed the ANR for Hampden Road owned by Neil Pomeroy to create two new lots, new Lot E consisting of 25,604 square feet and new Lot F consisting of 31,182 square feet (7.16 acres). The newly created lots have the proper frontage on Hampden Road to meet the zoning by-law requirements for Residential A District.

Upon motion duly made by Ralph Page and seconded by George Kingston, the Board voted unanimously (5-0) to approve the ANR for 244 Hampden Road.

Request for Temporary Signage – Maureen's Sweet Shoppe

The Board reviewed the proposed temporary signage for Maureen's Sweet Shoppe, 6 Center Square to be displayed on the property of the business at 6 Center Square until July 4, 2015. The temporary sign will measure 3' x 8' and will read "SAVE THE E.L. FIREWORKS".

Upon motion duly made by Ralph Page and seconded by George Kingston, the Board voted unanimously (5-0) to approve the temporary sign for Maureen's Sweet Shoppe until July 4, 2015 conditioned upon obtaining approval and a permit from the Building Inspector.

Public Hearing Definitive Subdivision – Great Woods XII, Makenzie's Way

Chair, Alessandro Meccia opened the public hearing for Great Woods XII, Mackenzie's Way. Clerk, Tyde Richards read the legal notice and correspondence into the record.

The Safety Officer recommended:

- Recommended the street lights be installed to improve safety in the development for pedestrian and vehicular traffic and to reduce the potential for criminal activity.
- Sidewalk illustrated on the site plan be installed.
- Street sign be installed as soon as it is practical to assist Emergency Vehicles.

Ben Cote of the Fire Department required:

- In accordance with CMR 780, fire hydrants shall be located and installed as directed by the fire department. The maximum distance between hydrants shall not exceed 500 feet between hydrants. The exact location may be determined by the water department.
- Each fire hydrant shall be equipped with elevated hydrant markers so hydrants can be located in deep snow.
- The cul-de-sac shall remain the size on the submitted plans.

Charles Dauchy, Environmental Consultant said the proposed subdivision is south and west of the existing Great Woods subdivision, north of Pease Road and east of Shaker Road and will be accessed via Windsor Lane. He said the proposed roadway line will go down Windsor Lane ending up in a cul-de-sac with a water main looped out to Pease Road as required by the DPW. Mr. Dauchy said that the sewer will be collected in the street and then routed out to Shaker Road and the stormwater will run through a stormceptor and then out to a level spreader before it seeps off into the wetland. The majority of the runoff from the site will be directed to a combination infiltration basin and stormwater detention basin. The bottom 5 inches has no outlet, it seeps into the soil and said that most of the soil on the site are hardpan. Any water that comes up higher than that in the detention basin flows through three different outlets that restrict the outflow and peak discharges from major storms will not be increased to the wetlands or down stream properties. Mr. Dauchy said that he could address some of the questions. Mr. Meccia addressed the Board for any questions.

Mr. Kingston asked Mr. Dauchy if they have received Orders of Conditions from the Conservation Commission.

Mr. Dauchy said that they received Orders of Conditions a little over a year ago and an Amended Order will be issued from the Commission the next evening for the revised design of the detention basin to meet one element in the State's stormwater regulations.

Mr. Richards said that the Board will not be taking any action that evening, correct. Mr. Meccia said correct.

Mr. Kingston said that he would like some time to go over the stormwater report and would like to see the final plans.

Ms. Macdonald added that DPW still has additional information they want to provide the Board with. She asked Mr. Dauchy if he had mentioned that they might not be prepared for the final that evening. Mr. Dauchy said that there were several changes that Mr. Murphy requested for clarification on the plans. There was a certain section that Mr. Murphy was still having a problem with as of 4:00 that day and she wasn't sure what it was and will find out. Mr. Dauchy said maybe the best thing would be to meet with Mr. Murphy and said that he will be away for a week. Ms. Macdonald agreed and asked him if he would be available the following Wednesday, Mr. Dauchy said that he will call her the next day set something up.

Mr. Kingston said that he does support the waiver to extend length on the cul-de-sac because to go down the hill and across the wetlands and then come out on Pease Road is not really a great idea.

Mr. Dauchy said that the design is based on what was discussed with the town staff in 2010 and they believe they have complied with everything based on the discussion then including the submittal of the draft of waivers.

Mr. Meccia addressed the audience for any questions.

Ed Finneran, 35 Windsor Lane asked what is going to happen immediately adjacent to his property because he is interested in persevering as much wooded area as he can. He asked if he would be able to buy a piece of it.

Mr. Dauchy said what is shown on the plan is a drainage swale that will run along the slope above the proposed homes sites and the intent is to cut off the runoff so it doesn't create an erosion and drainage problem for the homes below. He said and most of the home sites are graded with relatively level lawn areas behind the houses. Mr. Dauchy said on the individual lots the grading may change from what is shown on the plan but given the nature of the site they set up a grading plan to demonstrate feasibly and from a practical point of view it's going to look pretty much like it is shown on the plan due to the nature of the site. Mr. Dauchy said that Mr. Finneran would have to discuss purchasing some of the adjacent lot with the owner.

There being no further discussion and upon motion duly made and seconded, the Board voted unanimously (5-0) to continue the hearing to June 2, 2015 at 6:00 p.m.

Community Preservation Committee

Upon motion duly made George Kingston and seconded by Michael Carabetta, the Board voted to re-appoint Ralph Page as a member of the Community Preservation Committee.

Minutes

The Board reviewed the minutes of April 7, 2015 and upon motion duly made by Michael Carabetta and seconded by Ralph Page, the Board voted (5-0) to approve to approve the minutes.

Possible illegal installation of solar panels, 76 Mapleshade Avenue

Ms. Macdonald said that she had a visit from a town resident who was concerned for his in-laws who live on Maple Street. There is a gentleman who lives next door that had mentioned he was going to install ground mounted photovoltaics on his property.. He said he had spoken with the Building Inspector who said that was approved, however no plans have been made. She said that there is a permit that has been granted to 76 Mapleshade Avenue which is residential C for ground mounted photovoltaic which is against the by-law. Ms. Macdonald said that the by-law only allows ground mounted photovoltaic in Industrial and Industrial Garden district. She said that it is allowed by right however, it falls under a Site Plan Review with regulations and requirements that need to go with it. She said unfortunately with the Munis Permitting System the application was put in as "solar panels" on the roof which the Planning Board does not get involved in because they are allowed on the roof so it did not come to their attention.

Mr. Richards said they are not on the roof but on the ground, correct. Ms. Macdonald said yes it is definitely on the ground and it is in residential C. Mr. Richards asked why in the Munis system it would be shown as on the roof when in fact they get a permit for them to be on the ground. Ms. Macdonald said that she can't answer that, the Building Department made the entry.

Mr. Kingston said that it sounds like they need to appeal the building permit.

Mr. Meccia addressed the Board for any discussion.

Mr. Page said that it is residential C and looking at the building permit it clearly shows those being ground mounted behind the barn not on a roof. He said that he thinks it is a direct violation and he remembers when the by-law was passed and thinks it is something the Board needs to appeal the decision. Ms. Macdonald added that it was passed at town meeting in 2012.

Mr. Kingston asked if they were in the time period. Ms. Macdonald said yes and although the permit put into the munis system for a solar on the roof was dated in December 2014 the permit was granted on April 28, 2015.

Mr. Richards said back to his question how come the munis system didn't accurately describe it. Mr. Meccia said because it wasn't entered in correctly. Ms. Macdonald said that she will get the papers together and file the appeal. Mr. Page asked what the statutory time is. Ms. Macdonald said 30 days from April 28th.

Upon motion duly made by George Kingston and seconded by Ralph Page, the Board voted unanimously (5-0) to appeal the Building Inspector's decision to grant a permit for ground mounted solar panels.

Ms. Macdonald said that she did meet with the Building Inspector that day because he saw it on the agenda and she told him yes that the Planning Board was going to be dealing with it. She told him one of the biggest concerns she had was that the applicant or homeowner was going to start spending money because they have their permit and he assured her that he was going to notify them and tell them to wait on it because he wants to contact the Attorney General. Mr. Richards asked what the Attorney General has to do with it. Ms. Macdonald said that the Attorney General approved the zoning change, the new by-law in 2012 and said that they were specific in their decision and it says that no municipality can refuse to allow solar however they do have the opportunity to choose where they are located. She said that they are allowed by right which's means they cannot have a Special Permit but they do fall under the Site Plan Review with regulations. She said that the AG did approve it in 2012 and said that she has the information with her if they want to look at it.

Miscellaneous

Ms. Macdonald said that she gave them all a copy of the warrant article and one thing the Town Account did was combine the Planning Board, Zoning and Conservation Commission into one account. She said nothing was lost on either end of it, they took the full amount from Conservation and Zoning and the full amount from Planning and made it one account.

Mr. Page asked the Board if they wanted to discuss the Health Insurance issue. Ms. Macdonald said that there is a warrant article and the town has to approve it through legislator. Mr. Macki said the warrant article about the Health Insurance is not going to be acted on because the Board of Selectmen voted on Tuesday to withdraw Health Insurance completely under 32B as a local option. He said that would have gone to the legislator but Selectmen Thorpe changed her mind and they voted 2 to 0 the previous night. Mr. Macki said as of June 30th for Elected Officials it will be gone. The members were not happy with the decision and felt the Board of Selectmen should have given the insureds the courtesy of a meeting.

With no further business and upon motion duly made by Alessandro Meccia and seconded by George Kingston, the Board voted 5-0 to adjourn at 8:30 p.m.

For the Board,

Tyde Richards, Clerk